

LICENSING (TAXI AND MISCELLANEOUS) PANEL

Date: 20 November 2014

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 10.30am

Present: Councillors: -

Barbara Jenney
Bob Nightingale

Andy Mercer

1. APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor Andy Mercer be appointed Chairman for the Hearing.

2. DECLARATIONS OF INTEREST

No declarations of interest were noted.

3. EXCLUSION OF PUBLIC AND PRESS

RESOLVED:

That the public and press be excluded from the meeting during consideration of the following item of business because exempt information, as defined under paragraphs 1 and 7 of Schedule 12A of the Local Government Act 1972, may be disclosed.

4. CONSIDERATION OF A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE

The Licensing Enforcement Officer reported on an application, received on 28 May 2014, for a Hackney Carriage and Private Hire Driver's Licence under the Town Police Clauses Act 1847 (as amended) and the Local Government (Miscellaneous Provisions) Act 1976. Reference was made to the Council's Hackney Carriage and Private Hire Drivers Criminal Records Policy when considering the application.

The applicant had made reference to two cautions on the application form:

- Approx. 1995 – Possession of offensive weapon
- Approx. 2000 – Possession of cannabis

Neither of the cautions appeared on the DBS certificate. However, the Applicant also made reference to one other offence on the application form: Approx. 1999 – Possession of offensive weapon for which he was given a conditional discharge.

The DBS document had revealed that on 27 November 1998 at Luton and South

Bedfordshire Magistrates Court, the Applicant was convicted of Having Article with Blade or Which was Sharply Pointed in Public Place on 31 August 1998 under Criminal Justice Act 1988 S.139(1) Disposal: Costs £180, Conditional Discharge 12 months and Forfeiture/Confiscation/Destruction of Knife.

The DBS document also revealed that on 27 July 2000 at Ipswich Magistrates Court, the Applicant was convicted of:

1. Breach of Conditional Discharge on April 1999 – Powers of Criminal Courts Act 1973
2. Possessing Offensive Weapon in Public Place on 16 April 1999 – Prevention of Crime Act 1953 S.1

Disposal: No Order Made, Original Order Imposed at Bedfordshire Magistrates Court 27.11.1998, Fine £70, Costs £100 and Forfeiture Order that Weapon be Forfeited.

The East Northamptonshire Licensing Policy for Hackney Carriage and Private Hire Drivers states that for the purposes of licensing drivers there is no such thing as a spent conviction. The Licensing Authority will consider all convictions. Cautions will be treated as convictions for the purposes of this policy as they are admissions of guilt of an offence. The Policy is attached at Appendix 1.

The Panel noted the offences which were listed on the Application form. The applicant was requested to outline the circumstances of the convictions dating from 1995, 1998 and 2000. The applicant provided a summary of the incidents and asked the Panel to take into account that these incidents had taken place some years ago.

It was also noted that the Applicant had noted two traffic offences in 2007 and 2008 on the application form which had resulted in Fixed Penalty Notices.

The Panel adjourned at 10.40am to make a decision and re-convened at 11.10am to announce the decision.

RESOLVED:

The Panel has carefully considered your application for the issue of a Hackney Carriage and Private Hire Drivers Licence. In reaching its decision, the Panel had regard to:

- Government Guidance
- Licensing Policy for Hackney Carriage and Private Hire Drivers
- ENC Hackney Carriages/Byelaws (Terms and Conditions)
- Rehabilitation Of Offenders Act 1974
- Rehabilitation Of Offenders Act 1974 (exceptions) (amendment) Order 2002.
- The application form submitted to East Northamptonshire Council by the applicant for a Hackney Carriage and Private Hire Drivers Licence dated 28 May 2014.

- Verbal evidence given by the applicant
- Enhanced DBS Certificate

The Panel considered the offences which were declared on the Applicants application form and the enhanced DBS Certificate.

There were two offences declared at question 6; possession of a weapon in 1995 (approximately), and in 2000 (approximately) possession of cannabis. There were also two offences listed on the DBS Certificate.

Although possession of an offensive weapon is a significant offence the Panel decided that the offences were sufficiently dated that they no longer carried great weight.

The Panel also considered the traffic offences, and noted that the most recent was six years ago.

The Panel considered the offence of possession of cannabis. This was fourteen years ago, and hence the Panel did not consider it relevant to the application.

The Panel were able to question the applicant about the circumstances of these offences and were grateful for the Applicant's candid answers

Therefore the Panel decided unanimously that the Applicant is on a balance of probability a fit and proper person to be licenced to drive a Hackney Carriage/Private Hire vehicle.

The Decision Notice will be sent out in writing. If aggrieved with the Panel's decision, the Applicant and any Party that has made representation has the Right to Appeal to the Magistrates Court within 21 days of the Decision Notification letter.

Chairman